

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STANLEY W. SHOPE,

Plaintiff,

vs.

**Case No.: 2:14-cv-2055
JUDGE GEORGE C. SMITH
Magistrate Judge King**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On June 19, 2015, the United States Magistrate Judge issued a *Report and Recommendation* recommending that decision of the Commissioner of Social Security be affirmed and that this action be dismissed. (*See Report and Recommendation*, Doc. 12). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 13). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff's objections basically restate the arguments he already made in his Statement of Specific Errors. Plaintiff's final objection is to the Magistrate Judge's conclusion that "ALJ Keller's failure to call a medical expert as directed by the Appeals Council is not reversible error." (Pl.'s Objs. at 3, Doc. 13). Plaintiff points out that the Magistrate Judge acknowledged that there are differing opinions on this issue, not only between circuits, but also among courts within the Sixth Circuit. Plaintiff urges the Court to adopt the findings of the cases cited by the Magistrate Judge on page 16 of the *Report and Recommendation*. However, the Court agrees

with the Magistrate Judge's application of the law on this issue. Therefore, this objection and the other objections raised by Plaintiff were thoroughly considered and overruled in the *Report and Recommendation*. The Court has therefore carefully considered Plaintiff's objections, and for the reasons stated in the *Report and Recommendation*, this Court finds that the objections are without merit.

Accordingly, the *Report and Recommendation*, Document 12, is **ADOPTED** and **AFFIRMED**. Defendant's Objections are hereby **OVERRULED**. Plaintiff's Statement of Errors are hereby **OVERRULED**, the decision of the Commissioner of Social Security is **AFFIRMED** and this case is **DISMISSED**.

The Clerk shall remove Documents 12 and 13 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT